

Mail Stop Interference
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Paper 1
Filed: April 6, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Institut National de la Recherche Agronomique,
Junior Party
(Application 10/613,053)

Inventors : Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate,
Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH , McGill University,
and DNA Landmarks, Inc.,
Senior Party
(Patent 7,314,971)

Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova,
Gregory G. Brown, Benoit S. Landry, Wing Cheung,
Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts D and E of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Richard E. Schafer has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Identification and order of the parties

Junior Party

16 Named inventors: Jun Imamura
17 Hideya Fujimoto
18 Ritsuko Yanagidate
19 Nobuya Koizuka
20 Takako Sakai
21 Takahiko Hayakawa
22 Involved Application: 10/613,053 filed July 7, 2003
23 Title: Protein Involved in Restoration of Cytoplasmic
24 Male Sterility to Fertility and
25 Gene Encoding the Protein and Gene
26 Assignee of Record: Institut National de la Recherche Agronomique

Senior Party

18 The senior party is assigned exhibit numbers 1001-1999. The junior
19 party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1);
20 SO ¶ 154.2.1. The senior party is responsible for initiating settlement
21 discussions. SO ¶ 126.1.

22 Part E. Count, claims and benefit of the parties

Count 1

24 To be determined.¹

26 The claims of the parties are:

27 Application 10/613,053: Claims: 24-26, 28, 29, 32, 34, 37-41,
28 43, 44, 47, 53, 54, 59, 63, 64,
29 73-106

30 Patent 7,314,971: Claims: 1-18

See 37 CFR § 41.104(b).

- 1 The claims of the parties which correspond to Count 1 are:
- 2 Application 10/613,053: Claims: To be determined
- 3 Patent 7,314,971: Claims: To be determined
- 4 The claims of the parties which do not correspond to Count 1, and, therefore,
5 are not involved in the interference are:
- 6 Application 10/613,053: Claims: To be determined
- 7 Patent 7,314,9711: Claims: To be determined
- 8 The parties are accorded the following benefit for Count 1:
- 9 Application 10/613,053: None
- 10 Patent 7,314,9711: None
- 11 **Part F. Heading to be used on papers**
- 12 The following heading must be used on all papers filed in this
- 13 interference, see SO ¶ 106.1.1:

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(Application 10/613,053

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Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES)
(Technology Center 1600)

Title of Paper

1 **Part G. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly
3 expedite processing of the request. Please attach a copy of Parts D and E of
4 this DECLARATION with a hand drawn circle around the patents and
5 applications for which a copy of a file wrapper is requested.

/Richard E. Schafer/

Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 7,314,971
Copy of claims of 10/613,053

cc (via overnight delivery):

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